



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"
Russ Guiney, Director

May 12, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**DEPARTMENT OF PARKS AND RECREATION:
APPROVAL OF A SUB-LEASE FOR THE OPERATION AND MAINTENANCE
OF THE BMX FACILITY AT THE WHITTIER NARROWS RECREATION AREA
(SUPERVISORIAL DISTRICT 1) (3 VOTES)**

SUBJECT

Request to approve a seven-year sub-lease between the Department of Parks and Recreation and American Bicycle Association for the operation and maintenance of a non-motorized bicycle moto-cross facility at the Whittier Narrows Recreation Area.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find the proposed action is categorically exempt from the California Environmental Quality Act.
2. Approve and instruct the Chairman to sign the sub-lease for the operation and maintenance of a non-motorized bicycle moto-cross facility with the American Bicycle Association at the Whittier Narrows Recreation Area, for a seven-year term, effective the first day of the month following Board approval.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Whittier Narrows Recreation Area (Whittier Narrows) is a primary regional recreational facility for the residents of the San Gabriel Valley, which attracts 1.5 million visitors annually. Current services and amenities include picnic areas, hiking trails, bike paths, a youth campground, two regulation golf courses, a military museum, archery range, trap and skeet range, equestrian center, non-motorized bicycle moto-cross (BMX) bicycle track, softball and soccer fields, and a 300-acre natural area.

The recommended action will approve a seven-year sub-lease with the American Bicycle Association (ABA) for the operation and maintenance of the BMX facility at Whittier Narrows. This new sub-lease will provide increased revenue to the County of Los Angeles (County), and allow for increases in revenue over the seven year term. This sub-lease with the ABA will serve and benefit the surrounding community, which includes youth groups, schools, summer camp programs, and after-school programs by providing bicycle clinics, riding lessons, and an outreach program.

Implementation of Strategic Plan Goals

The proposed Whittier Narrows BMX sub-lease with the ABA will further the County's Strategic Plan Goal of Operational Effectiveness (Goal 1), by utilizing an experienced BMX facility operator to provide and conduct BMX-related activities, and increase revenues at Whittier Narrows. It will also further Strategic Plan Goal of Community and Municipal Services (Goal 3), by creating affordable, accessible, and quality BMX activities to the surrounding community.

FISCAL IMPACT/FINANCING

Pursuant to the terms of the sub-lease, the ABA shall pay the County on a monthly basis a minimum rent of \$500 or two percent of the combined total of all food and non-alcoholic beverage sales, BMX merchandise sales, and the repair or rental of BMX equipment, whichever is greater.

Based on the current Operator's 2008 annual gross receipts, the total annual rent paid to the County was \$994. The proposed sub-lease with the ABA will guarantee a minimum annual amount of \$6,000 to the Department of Parks and Recreation (Department).

Operating Budget Impact

As a result of the recommended actions, the Department anticipates a slight revenue increase to its current year operating budget as the agreement effective date occurs in May 2009. The entire revenue increase of \$5,000 annually will be fully realized in FY 2009–10, and will be addressed during final changes of its FY 2009–10 Budget Request.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Board is authorized by Government Code Section 25907 to contract for concessions and services that are consistent with public parks and recreation purposes within Whittier Narrows Recreation Area, and pursuant to the provisions and conditions of the Department of the Army Lease for Park and Recreational Purposes, Whittier Narrows Flood Control Basin, No. DACW09-1-86-43, granted to the County by the Secretary of the Army under authority of the Flood Control Act of 1944, Section 4 as amended 16 U.S.C.460d. The proposed sub-lease is consistent with said purposes.

The term of the sub-lease at the Whittier Narrows BMX facility will commence the first day of the month following the Board's approval for seven years.

This sub-lease contains terms and conditions supporting your Board's ordinances, policies, and programs, including but not limited to Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Responsibility and Debarment, Los Angeles County Code Chapter 2.202; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; and the standard Board-directed clauses that provide for contract termination or renegotiation.

The ABA has executed the attached sub-lease and will provide the required insurance policies prior to the start of this sub-lease, naming the County and the United States Army Corps of Engineers (ACOE) as additional insureds.

The ACOE has reviewed and approved the proposed sub-lease.

County Counsel has approved the sub-lease as to form.

ENVIRONMENTAL DOCUMENTATION

The proposed sub-lease is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with Sections 15301 and 15323 of the State CEQA Guidelines and Classes 4(j) and 23 of the Environmental Document Reporting Procedures and Guidelines adopted by the Board on November 17, 1987, because the agreement provides for permits, licensing, and leases on existing facilities.

Whittier Narrows is a federal facility under the jurisdiction of the ACOE and is leased, operated and maintained by the Department. As a federal facility, all projects at Whittier Narrows must comply with the National Environmental Policy Act (NEPA). The ACOE has determined that the project is in compliance with NEPA as Categorical Exclusion in accordance with 40 CFR 1508.4 and 33d CFR 230.9, and that the project, when considered individually and cumulatively, does not have significant effects on the quality of the human environment.

CONTRACTING PROCESS

On July 17, 2008, the Department commenced solicitation for the operation and maintenance of the Whittier Narrows BMX Facility by posting the Request for Proposal (RFP) notice on the County of Los Angeles "Doing Business With Us" website. The notice also included a link to download the solicitation package and bilingual instructions on how to contact the Department regarding this project. On July 18, 2008, an ad was posted in the "Daily Bulletin" providing general information about the RFP and how to contact the Department regarding this project.

On August 7, 2008, four Proposers attended the Proposer's Conference. On September 25, 2008, the Department received two proposals. The proposals were first reviewed by Contract Development staff to ensure compliance with mandatory minimum requirements outlined in the RFP. Having met those requirements, the proposals were then evaluated by an evaluation panel. The panel comprised of three Department employees.

The evaluation panel evaluated each proposal based on criteria identified in the RFP, which included the business experience and qualifications; rent to the County; operation and maintenance plan; safety programs; and the ability to operate and maintain a BMX facility. Based on these evaluations, the ABA was determined to have met all requirements, and was rated as the highest ranked proposal for the operation and maintenance of the Whittier Narrows BMX Facility.

The Honorable Board of Supervisors
May 12, 2009
Page 5 of 5

Attachment I reflects the Proposer's minority participation. It should be noted that upon final analysis and award, the sub-lessee was selected without regard to gender, race, creed, or color.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The last Concessionaire was operating under a Director's Agreement, which expired on December 31, 2008. It is anticipated that the new sub-lease will commence on the first day of the month, following Board approval. Due to the RFP process, the recommendation for award of a new sub-lease is occurring after the expiration date of the most recent Agreement. Therefore, services since January 1, 2009, are being provided under a temporary permit. Meanwhile, BMX activities will remain uninterrupted and there will be no impact to existing service levels. The award of this sub-lease will not infringe on the role of the County in its relationship to its residents; the County's ability to respond to emergencies will not be impaired. There is no change in risk exposure to the County.

CONCLUSION

It is requested that an adopted copy of the action taken by the Board, and a fully executed copy of the attached sub-lease be mailed to: American Bicycle Association, ATTN: John David, 1645 W. Sunrise Blvd., Gilbert, Arizona 85233. In addition, it is requested that one adopted copy be sent to the Treasurer and Tax Collector, one adopted copy be sent to the Assessor, and four adopted copies be forwarded to the Department of Parks and Recreation.

Respectfully submitted,



RUSS GUINEY
Director

RG:DM:KEH
GB:MG:rc

Attachment

c: County Counsel